

REMARKS

In an Office Action mailed July 18, 2006, claims 1, 2, 6, 21, 26 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander et al. (hereinafter “Alexander”); claims 7 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and in further view of Bell; claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and in further view of Gross (U.S. Patent No. 6,721,716); claims 9-13 and 28-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Slaughter; claims 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Bell (U.S. Published Patent Application No. 20020120501); claims 16, 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter; and claims 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter and further in view of Gross. Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants gratefully acknowledge withdrawal of the Bowman-Amuah reference and withdrawal of the finality of the previous Office Action.

For ease of presentation, where possible, the rejections of the claims are treated serially below according to claim numbering.

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. Regarding claim 1, Applicants note that claim 1 includes the limitation “contextual information . . . associated with the at least one domain and comprising attributes of the at least one discrete component of data relating to an *intended use* of the at least one discrete component of data”. (emphasis added) For example, as stated on page 6, lines 11-17, “a discrete

component of data relating to a person's purchase history" may have separate contextual information regarding different "personalized marketing" and "tax" uses. In the personalized marketing contextual information, "preferences for stores and brands" as indicated by the purchase history constitute the contextual information; whereas in the tax contextual information, "whether the goods or services [are] tax-deductible and how much certain goods have depreciated" constitute the contextual information.

Applicants respectfully submit that Schaffer in view of Alexander fails to set forth any teachings regarding contextual information comprising attributes of the at least one discrete component of data and relating to *intended use* of the at least one discrete component of data. The cited portions of Schaffer (col. 1, lines 28-31 and col. 2, lines 59-67) are completely silent with regard to contextual information comprising attributes of the at least one discrete component of data and relating to *intended use* of the at least one discrete component of data. To the extent that Schaffer teaches anything analogous to contextual information as set forth in amended claim 1, it comprises information that may be of interest to the eventual recipient of the discrete component of data, but that is otherwise unrelated to that recipient's intended usage of the data, e.g., tailored for "personalized marketing" or "tax" uses. Indeed, the Response to Applicants' Remarks set forth in Section 3.2 of the Office Action fails to cite any portion of Schaffer that teaches the "intended use" limitation, and instead simply quotes Applicants' remarks regarding same.

Additionally, claim 1 has been amended above to remove the previously added "usage rules" limitation. Because the Alexander reference was cited to supplant Schaffer's failure to teach this limitation, Applicants respectfully submit that removal of this limitation renders the citation to Alexander moot. Furthermore, Applicants submit that Alexander fails to teach or

suggest the “intended use” limitation discussed above, nor has any cite to any teaching of Alexander been given in this regard. Given these distinctions, Applicants respectfully submit that Schaffer fails to anticipate amended claim 1 and, further, that the combination of Schaffer in view of Alexander fails to establish prima facie obviousness of claim 1. Therefore, claim 1 is in suitable condition for allowance.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. With respect to dependent claim 2, which depends from claim 1, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 1.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. With respect to dependent claim 6, which depends from claim 1, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 1.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and in further view of Bell. In particular, it is asserted that Bell, at paragraph [0024], lines 5-7 and paragraph [0185] at lines 12-19, teaches the claimed limitations of “receiving feedback data from a user of the enhanced data” and “modifying the enhanced data to include the feedback data” previously received from the user of the enhanced data. The specific reference to Bell’s paragraph [0024], upon close reading, is seen to be no more than a statement of the desirability for “talent intermediaries” to be able to receive feedback concerning content provided by “artists.” Similarly, Bell’s paragraph [0185] does indeed mention the possibility for artists to receive feedback concerning “key metrics.” However, the “feedback” mentioned in these sections of Bell appears wholly unrelated to anything akin to “enhanced data” and,

therefore, the person having ordinary skill in the art would not be motivated to apply the teachings of Bell to the combination of Schaffer and Alexander.

Furthermore, and perhaps more importantly, Applicants respectfully submit that the combination of Schaffer and Alexander in view of Bell fails to teach *modifying* enhanced data based on feedback data. Stated another way, the simple juxtaposition of Schaffer's alleged generation of enhanced content and Bell's alleged teaching of receiving feedback does not give rise to the additional action, as presently claimed, of modifying the enhanced content to include the feedback data. Indeed, no reference has been cited teaching this limitation, and the sole source of this limitation would appear to be the instant invention. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander and in further view of Bell fails to teach each and every limitation of claim 7 and, therefore, fails to establish a *prima facie* case for obviousness. Furthermore, because claim 7 depends from claim 1, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 1. As a result, Applicants further submit that claim 7 is in suitable condition for allowance.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and in further view of Gross. With respect to dependent claim 8, which depends from claim 1, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 1. Furthermore, Applicants respectfully submit that the addition of Gross to the combination of Schaffer and Alexander does not overcome the deficiencies of Schaffer in view of Alexander as described above relative to claim 1. As a result, Applicants further submit that claim 8 is in suitable condition for allowance.

Claims 9-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and in further view of Slaughter. Regarding claim 9, Applicants note that claim 9 recites receiving a request for enhanced data “corresponding to an entity”, where a digital identity “acting as a proxy for the entity” is used to compare the requestor’s identification to access rights for the enhanced data. In common usage, and as used in the instant application, a proxy is “the agency, function or power . . . to act as the deputy or substitute for another.” (Random House Webster’s College Dictionary, 1995.) Thus, as presently claimed, the digital identity acts on behalf of the entity having the enhanced data, not the requestor.

As implicitly noted in the Office Action, neither Schaffer or Alexander teach “a digital identity acting as a proxy for the entity.” To this end, various portion of Slaughter that refer to a “proxy” have been cited as teaching this limitation. In particular, col. 27, lines 20-21 of Slaughter do indeed refer to a “proxy servlet (agent) 402.” However, it is clear from the context of the cited portion (col. 27, lines 17-25) that the “proxy” referred to is acting for the benefit of the requesting entity, i.e., in Slaughter’s parlance, the “client” or “browser 400” seeking to gain information regarding a “service”. Where Slaughter’s client/browser does not implement the necessary functionality to access the information regarding the service, the “proxy” may be used on behalf of the client. To the extent that Slaughter’s “client” and “service” are respectively analogous to the claimed “requestor” and “entity” (see Slaughter’s abstract: “A service discovery protocol may allow clients in a distributed computing environment to search for services.”), Applicants respectfully submit that Slaughter fails to teach a digital identity (proxy) acting on behalf of the entity, and thus the person of skill in the art would not look to Slaughter for providing a proxy on behalf of the entity. In this same vein, the other cited portion of Slaughter (col. 74, lines 1-7 and 15-19) similarly fails to disclose a proxy acting on behalf of an entity (i.e.,

Slaughter's service) to the extent that the cited portion makes clear that the proxy's purpose is to simply act as a "bridge" between the client and the service. In this sense, Slaughter's "proxy" does not act on behalf of the service, but, in complete contrast to the instant claim, facilitates direct communication from the client to the entity. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander and further in view of Slaughter fails to teach the claimed digital identity acting as a proxy for the entity and, therefore, fails to establish a prima facie case for obviousness. As a result, Applicants further submit that claim 9 is in suitable condition for allowance.

With respect to dependent claims 10-13, which depends from claim 9, these claims are also believed to be allowable on their merits and at least due to their dependency on independent claim 9.

With regard to claim 10, Applicants note that claim 10, like claim 1, includes the limitation of "comparing . . . an intended use of the enhanced data to usage rules." As noted above with respect to claim 1, Schaffer in view of Alexander fail to teach anything regarding "intended use" of the enhanced data. Furthermore, Slaughter likewise fails to teach this limitation. Accordingly, claim 10 is allowable for at least the reasons presented above with respect to claim 1.

With regard to claim 11, apparently starting with the combination of Schaffer in view of Alexander as applied to claim 9, it is asserted that the further combination of Slaughter teaches the claimed digital identity being operated by a party other than the entity. However, the cited portions of Slaughter (col. 8, lines 26-32; col. 9, lines 1-6) appear to be related to the ability of a "client" to search for and access "services" available within a distributed computing environment, presumably such services being offered by a party other than the client. However,

the claimed digital identity, as noted above, actually acts on behalf of the entity whose enhanced data is being requested. Stated another way, claim 11 recites a digital identity being operated by a party other than the party it represents. For this reason, the claimed digital identity operated by a third party is distinguishable from the service providers of Slaughter. Applicants respectfully submit that the cited combination of Schaffer in view of Alexander and in further view of Slaughter fails to teach each and every limitation of claim 11 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 11 depends from claim 9, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 9. As a result, Applicants further submit that claim 11 is in suitable condition for allowance.

With regard to claim 12, it is asserted that the combination of Schaffer in view of Alexander and further in view of Slaughter teaches the claimed digital identity being operated by the entity it represents to the extent that Schaffer teaches a user profile that “controls processing of enhanced content.” However, Applicants note that the analogy drawn between Schaffer’s user profile and the presently claimed digital identity conflicts with the interpretation of Schaffer in view of Alexander as applied to claim 9 where it was asserted that Alexander’s web server 17 taught the claimed digital identity. No explanation has been given detailing how the digital identity of the present invention could be simultaneously provided by both Schaffer’s user profile and Alexander’s web server 17. As demonstrated above, neither Schaffer or Alexander or the combination of the two teaches the claimed digital identity, much less the digital identity being operated by the entity it represents. Furthermore, even if one were to assume that Slaughter somehow teaches a digital identity being operated by the entity it represents (which Applicants do not believe to be the case), no explanation has been given where such teaching

may be found in Slaughter nor any reason given why one of skill in the art would be motivated to look to Slaughter for such teachings. For these reasons, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander and in further view of Slaughter fails to teach each and every limitation of claim 12 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 12 depends from claim 9, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 9. As a result, Applicants further submit that claim 12 is in suitable condition for allowance.

With respect to dependent claim 13, which depends from claim 9, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 9.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and Slaughter and further in view of Bell. Citing the same portions of Bell noted above with regard to claim 7, it is asserted that the combination of Schaffer in view of Alexander and further in view of Bell teaches the claimed step of transmitting feedback rules from the enhanced content source to the requestor. As noted above, the cited portions of Bell at best teach the idea that feedback may be provided. However, Bell (as well as Schaffer, Alexander and Slaughter) is silent as to how such feedback would be provided and equally bereft with regard to the specific teaching of sending feedback rules to the requestor, as presently claimed. For this same reason, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander and Slaughter and further in view of Bell fails to teach each and every limitation of claim 14 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 14 depends from claim 9, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 9. As a result, Applicants further submit that claim 14 is in suitable condition for allowance.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and Slaughter and further in view of Bell. Citing the same portions of Bell noted above with regard to claim 7, it is asserted that the combination of Schaffer in view of Alexander and Slaughter and further in view of Bell teaches the claimed transmitted feedback rules comprising an incentive for the requestor to provide feedback to the enhanced content source. Once again, the cited portions of Bell at best teach the idea that feedback may be provided. However, Bell (as well as Schaffer, Alexander and Slaughter) is silent as to how such feedback would be provided and fails to specifically mention anything concerning feedback rules comprising an incentive for the requestor to provide feedback, as presently claimed. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander and Slaughter and further in view of Bell fails to teach each and every limitation of claim 15 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 15 depends from claim 14, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 14. As a result, Applicants further submit that claim 15 is in suitable condition for allowance.

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter. In relevant part, it is asserted that Schaffer in view of Slaughter teaches the claimed limitation of generating at least one decision parameter based on profile and preference information and using the at least one decision parameter to determine whether terms of a discovered service are acceptable. Particularly, it is asserted that Schaffer (col. 3, lines 4-8) teaches generating a decision parameter based on Schaffer's user profile, which decision parameter may be employed by the system of Slaughter to assess acceptability of terms of the service (col. 8, lines 37-39). However, the cited portions of Schaffer make clear that Schaffer's

recited user profile is for the purpose of customizing “enhanced content” that is to accompany the selected “media selection.” For this reason, and assuming for the sake of argument that Slaughter does teach a determination of whether a given service’s terms are acceptable, a person having skill in the art would not look to Schaffer’s user profile for providing input to the determination of acceptability of service terms because Schaffer’s user profile is, at most, useful only for selecting “enhanced content.” To impart some greater capability, as taught solely by the present invention, to Schaffer’s user profile would constitute improper hindsight.

Furthermore, Applicants respectfully dispute the assertion that Slaughter teaches a determination of the acceptability of service terms. In particular, the cited portion of Schaffer discloses that once a client has discovered a service, the client can request a “capability credential” that will allow the client to access at least some of the service’s capabilities. However, Slaughter’s capability credential is unrelated to any terms of the service and only relates to which capabilities of the service a client may use. For these reasons, Applicants respectfully submit that the cited combination of Schaffer in view of Slaughter fails to teach each and every limitation of claim 16 and, therefore, fails to establish a prima facie case for obviousness. As a result, Applicants further submit that claim 16 is in suitable condition for allowance.

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter. With respect to dependent claim 17, which depends from claim 16, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 17.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter. Specifically cited col. 8, lines 37-51 of Slaughter, it is asserted that Schaffer

in view of Slaughter teaches the claimed limitation of negotiating with the entity offering the at least one service. In common usage, and as used in the instant application, “negotiating” is defined as “to arrange for or bring about by discussion and settlement of terms”. (Random House Webster’s College Dictionary, 1995.) In contrast to this understanding, however, the cited portion of Slaughter teaches the concept of a client requesting a “capability credential” from the service it seeks to use. Depending on the specific information provided to the client regarding the service, the specific content of the capability credential is determined solely by the service and thereafter provided to the client without further processing by the client. Given this, the provision of a capability credential as taught by Slaughter is not an instance of negotiating terms of a service, as presently claimed. For this reason, Applicants respectfully submit that the cited combination of Schaffer in view of Slaughter fails to teach each and every limitation of claim 18 and, therefore, fails to establish a prima facie case for obviousness. Furthermore, because claim 18 depends from claim 16, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 16. As a result, Applicants further submit that claim 18 is in suitable condition for allowance.

Claims 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Slaughter and in further view of Gross. With respect to dependent claims 19 and 20, which depend from claim 16, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 16. Furthermore, Applicants respectfully submit that the addition of Gross to the combination of Schaffer and Slaughter does not overcome the deficiencies of Schaffer in view of Slaughter as described above relative to claim 16. As a result, Applicants further submit that claim 8 is in suitable condition for allowance.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. Applicants note that claim 21, like claim 1, includes the limitation of “contextual information . . . associated with the at least one domain and comprising attributes of the at least one discrete component of data relating to an intended use of the at least one discrete component of data”. Furthermore, claim 21, like claim 1, has been amended to remove the previously added “usage rules” limitation. For these reasons, in responding to the rejection of claim 21, Applicant respectfully reasserts the arguments presented above with regard to claim 1. Accordingly, claim 21 is allowable for at least the reasons presented above with respect to claim 1.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and further in view of Bell. Citing the same portions of Bell noted above with regard to claim 7, it is asserted that the combination of Schaffer in view of Alexander and further in view of Bell teaches the claimed data field defining feedback rules from the enhanced content source to the requestor. As set forth above with regard to claim 7, Schaffer in view of Alexander and further in view of Bell fails to teach the claimed feedback rules. Accordingly, claim 25 is allowable for at least the reasons presented above with respect to claim 7. Furthermore, because claim 25 depends from claim 21, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 21.

Claims 26-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander. With respect to dependent claim 26, which depends from claim 21, this claim is also believed to be allowable on its merits and at least due to its dependency on independent claim 21.

With respect to claim 27, Applicants note that claim 27, like claim 1, includes the limitation of “contextual information . . . associated with the at least one domain and comprising attributes of the at least one discrete component of data relating to an intended use of the at least one discrete component of data”. Furthermore, claim 27, like claim 1, has been amended to remove the previously added “usage rules” limitation. For these reasons, in responding to the rejection of claim 27, Applicant respectfully reasserts the arguments presented above with regard to claim 1. Accordingly, claim 27 is allowable for at least the reasons presented above with respect to claim 1.

Claims 28-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schaffer in view of Alexander and in further view of Slaughter. With respect to claim 28, apparently relying on the previous assertions that the combination of Schaffer in view of Alexander and further in view of Slaughter teaches the claimed digital proxy, various portions of Alexander have been cited allegedly reciting the functionality presently claimed with regard to the digital identity. However, as noted above with regard to claim 9, Slaughter fails to teach the claimed limitation of a digital identity acting as proxy for an entity, which shortcoming is not remedied by the teachings of Schaffer in view of Alexander. Accordingly, claim 28 is allowable for at least the reasons presented above with respect to claim 9.

With regard to claim 29, in relevant part, claim 29 claims generating at least one decision parameter based on profile and preference information and using the at least one decision parameter to determine whether terms of a discovered service are acceptable. As set forth above with regard to claim 16, Schaffer in view of Alexander and further in view of Slaughter fails to teach the claimed limitations of generating at least one decision parameter based on profile and preference information and using the at least one decision parameter to determine whether terms

of a discovered service are acceptable. Accordingly, claim 29 is allowable for at least the reasons presented above with respect to claim 16.

Applicants note that claim 30, like claim 1, includes the limitation of “contextual information . . . associated with the at least one domain and comprising attributes of the at least one discrete component of data relating to an intended use of the at least one discrete component of data”. Furthermore, claim 30, like claim 1, has been amended to remove the previously added “usage rules” limitation. For these reasons, in responding to the rejection of claim 21, Applicant respectfully reasserts the arguments presented above with regard to claim 1. As set forth above with regard to claim 1, Alexander in view of Schaffer fails to teach the “intended use” limitation, which shortcoming is not remedied by the addition of Slaughter. Accordingly, Schaffer in view of Alexander in further view of Slaughter fails to establish prima facie obviousness of claim 30, which claim is therefore allowable.

With respect to dependent claims 31 and 32, which depend from claim 30, these claims are also believed to be allowable on its merits and at least due to their dependency on independent claim 30.


Regarding claim 33, it is first noted that although the rejection is stated under a combination of Schaffer, Alexander and Slaughter, Slaughter has not in fact been used as part of the basis in rejecting claim 33. In particular, it is asserted that Schaffer teaches the claimed steps of accessing at least one discrete component of data from each of a plurality of different data sources (col. 2, lines 59-62; col. 2, lines 3-5; col. 2, lines 10-14) and translating each of the discrete components to a common representation format (col. 3, lines 4-8). Regarding the assertion that Schaffer teaches accessing discrete components from a plurality of different data sources, it is true that Schaffer teaches communications via network. However, Applicants note

that Schaffer's "media selection" (col. 1, lines 16-20) are most closely aligned with the presently claimed "discrete component of data" to the extent that, like the claimed discrete component of data that is "enhanced" through the addition of "contextual information", Schaffer's media selection is "enhanced" by the addition of "enhanced content." (col. 2, lines 46-48) In this light, it is clear that Schaffer does not teach accessing discrete components (media selections) from a plurality of different data sources. Indeed, Schaffer is silent on the possibility of accessing more than one media selection from a plurality of sources.

Furthermore, regarding the assertion that Schaffer teaches translating each of the discrete components to a common representation format, the cited portion of Schaffer is inapposite. More particularly, the cited portion of Schaffer teaches that Schaffer's "enhanced content" (contextual information) may be stored in a graph-like data structure that may be stored locally or within a network. At best, this citation informs the reader about the form of the contextual information, not the discrete components of data, much less that the discrete components of data may be translated into a common representation format. For these reasons, Applicants respectfully submit that the cited combination of Schaffer in view of Alexander in further view of Slaughter fails to teach each and every limitation of claim 33 and, therefore, fails to establish a *prima facie* case for obviousness. As a result, Applicants further submit that claim 33 is in suitable condition for allowance.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

By: 
Christopher P. Moreno
Registration No. 38,566

Date: October 12, 2006

Vedder, Price, Kaufman & Kammholz, P.C.
222 N. LaSalle Street
Chicago, IL 60601
312-609-7599
312-609-5005 (Fax)